

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARTY ROBERT BEGAY,

Plaintiff,

v.

CV 13-515 LH/WPL

DWAYNE SANTISTEVAN,

Defendant.

ORDER

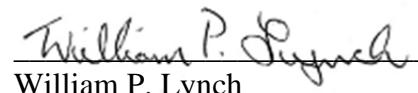
Dwayne Santistevan has filed a motion to seal part of his *Martinez* report. He states that it may be necessary pursuant to the order for the *Martinez* report to file confidential investigative reports concerning Begay's status as a security threat group member. Such disclosure, Santistevan argues, will compromise the safety and security of inmates, employees, and correctional institutions generally in New Mexico. Begay has not filed a response to the motion, and the deadline for doing so has passed, constituting consent to grant the motion. *See* D.N.M.LR-Civ. 7.1(b). Having considered the motion, the case record, and the relevant law, I find that the motion is well-taken and should be granted.

When a *Martinez* report is used for summary judgment purposes, the pro se plaintiff must be provided an opportunity to present conflicting evidence to controvert the facts set out in the *Martinez* report. *Hall v. Bellmon*, 935 F.2d 1106, 1109 (10th Cir. 1991). Nonetheless, certain corrections documents may present valid security problems upon their disclosure.

IT IS HEREBY ORDERED THAT:

1. Santistevan's motion to file part of his *Martinez* report under seal is GRANTED as described herein.
2. Santistevan shall file the *Martinez* report under seal, specifying which documents are a threat to safety and security within the corrections department and therefore not subject to disclosure.
3. Santistevan shall serve Begay with a redacted *Martinez* report.
4. Upon review by the Court of the full *Martinez* report filed under seal, the Court may in the interests of justice instruct Santistevan to serve Begay with additional documents or portions thereof.

IT IS SO ORDERED.



William P. Lynch
United States Magistrate Judge

A true copy of this order was served
on the date of entry--via mail or electronic
means--to counsel of record and any pro se
party as they are shown on the Court's docket.